IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 7446 OF 2006

Shri Kashinath s/o Zipru Bachhav & Ors. ... Petitioners.

V/s.

Smt. Noorjaha Begum w/o Bashir Ahmed. ... Respondent.

....

Mr. Milind M. Sathaye for the Petitioners.

Mr. M.N. Sandhyanshiv for the Respondent.

CORAM : S.J. VAZIFDAR, J.

15TH JANUARY 2007.

P.C. :

1. The impugned order warrants no interference.

2. It is not possible to state that the exercise of discretion by the learned Judge is totally improper. The Petitioner is not prejudiced by the appointment of the Commissioner. The apprehension that the order pre-supposses encroachment is unfounded. The order does not and cannot do so.

3. In the circumstances, the Petition is dismissed.